

# RECORD OF PROCEEDINGS

Minutes of the Riverside City Council Meeting

Held on Thursday, March 24, 2022

**CALL TO ORDER:** Deputy Mayor Denning called the Riverside, Ohio City Council Work Session to order at 6:02 p.m. at the Riverside Administrative Offices located at 5200 Springfield Street, Suite 100, Riverside, Ohio, 45431.

**PLEDGE OF ALLEGIANCE:** Mrs. Franklin led the pledge of allegiance. Deputy Mayor Denning requested for a moment of silence for democracy and freedom fighters in the Ukraine.

**ROLL CALL:** Council attendance was as follows: Mr. Denning, present; Mrs. Franklin, present; Ms. Fry, present; Mr. Joseph, present; Ms. Lommatzsch, present; Mr. Maxfield, present; and Mayor Williams, absent.

Staff present was as follows: Josh Rauch, City Manager and Kathy Bartlett, Public Service Director.

**EXCUSE ABSENT MEMBERS:** Mr. Joseph moved, seconded by Ms. Lommatzsch, to excuse Mayor Williams. All were in favor. **Motion carried.**

**ADDITIONS OR CORRECTIONS TO AGENDA:** No changes were made. Mr. Rauch stated the mayor indicated he would be late and requested the storm water be moved to last, so he could be in attendance.

**WORK SESSION ITEMS:** Ms. Bartlett stated that 2022 in Riverside will be a record setting year for construction projects. They will have over \$8.0 million worth of construction just this summer.

**I. 2022 Pavement Program** – The 2022 pavement program includes three streets: Eastman Avenue, Lynnhaven Drive, and Meyer Avenue. All three are joint projects with Montgomery County Environmental Services. Grants for the projects are 70% for Eastman, and 25% for Lynnhaven and Meyer. These are mill and fill projects with some or all curb replacement. There may also be some full depth pavement replaced; once the surface is milled off, they can better determine if it is a surface imperfection or if the base is failing. Discussion was held on money saved in 2020 as a lot of the roadwork was surface imperfection and not base failing. She stated that the 2021 pavement program, which includes Needmore Road, Valley Street (East), Community Drive, Honeyleaf Way, and spot repairs on Linden and Burkhardt, was not constructed last year as the project did not bid. They did not sign contracts until after July 1 since it had OPWC funds. By doing that, it did not allow the contractor much time and the contract had to be extended into June. So, this year, they are doing 2022 and 2021. Mr. Rauch stated that everything in the 2021 pavement program has already been paid for and funds have been encumbered. The streets in the 2022 program are ones they have taken bonds out for and will continue to encumber the funds through the rest of this year. Ms. Bartlett presented a map showing the 2021 and the 2022 pavement programs.

Ms. Bartlett listed other projects going on in 2022 that they will not be inspecting except for the Harshman Wall repair. Those projects include the West Springfield rehabilitation, the

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Woodman/Burkhardt intersection, and Needmore/Old Troy intersection. She stated there has been some issues with getting the \$300,000 federal grant tied to base properties that is slowly making its way to ODOT; MVRPC is going to front that money so the project can be bid as it was to be bid in early March. Mr. Rauch stated that they have bid Eastman, Lynnhaven, and Meyer, but what he has heard from other city managers is that projects are bidding higher than what is expected because of inflation and other factors. It is good news MVRPC is fronting so they can see where the pricing comes in. If it is high, he will be back to debrief. Ms. Bartlett stated if they do bid the West Springfield project and it is more than 10% over the engineer's estimate then they will reject those bids. The Woodman/Burkhardt intersection is under construction now and is to be finished by the end of July. The Needmore/Old Troy intersection is a project the state has taken on and has not started yet; it should be finished this summer. The Harshman Wall repair will go to bid in early April with bids opened on April 21, 2022. This is the first phase, 12 sections of the wall at drainage locations. Discussion was held on the infrastructure package and if information has been received. Mr. Rauch stated information on specifics like how to apply, how it will be disbursed, etc...has not been received. Ms. Bartlett presented a map of the other projects. Deputy Mayor Denning asked if the Needmore repaving and that intersection going to interconnect. Ms. Bartlett stated there is a 400' section between the intersection and Riverside's city limit. Dayton initially declined to partner, but they wanted to know when the city would be doing it so she will reach back out.

**II. 2022 Crack Sealing Program** – Ms. Bartlett stated this is normally in the annual budget, but in 2022 when putting the budget together they were so tight with money they did not include crack sealing. Crack sealing is very important to extending the life of pavement as 75% of cracks in asphalt pavement form into potholes within three years if they are not sealed. Only approximately 1% of sealed cracks will form into potholes within three years. The program this year includes: Valleyview Subdivision, Brantwood Subdivision, Spaulding Road, Burkhardt Road, and Union Schoolhouse Road (south). Cost for all areas is \$39,900. Money is being transferred from the Airway/Woodman intersection that they decided not to do. Mr. Rauch stated they will see two resolutions at the April 7, 2022 council meeting, one for the 2022 Pavement Program, and one for the 2022 Crack Sealing Program.

**III. 2022 Mowing** – Ms. Bartlett stated with 2022 being a record year for construction, they will need to change/minimize some of the mowing that they do. Two of the staff typically on maintenance crews doing the mowing will have to spend their time as construction inspectors. She presented the past and current construction budgets. Mr. Rauch indicated that this year they are looking beyond a \$3.4 million construction budget with prior years being much less (2019 was \$350,000; 2020 was \$1 million; and 2022 was zero). The volume of the work has expanded. This impacts the staffing as they have 9 staff including a foreman. They will have to take more people to go inspect the projects, which means they have less people available to do the other work. This is all before accounting for leave, vacations, and other legitimate reasons. The thought would be to put two on construction inspection as in prior years they only had one. She stated she has Mark Tilley, but he has other assignments daily. He will be managing the two maintenance workers who will be assigned to the 2021 or 2022 paving program. There is a lot of paperwork involved in these projects because they are getting grant money from OPWC. Measurements and records need



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to be maintained on a regular basis to get the projects and contractor paid. Mr. Rauch stated they have to increase construction staffing to accommodate the projects. They need to keep someone on the street sweepers and a couple of people on potholes and reactive complaints. This leaves them four for mowing before anyone is gone; this is tight when it comes to mowing. Ms. Lommatzsch stated they took out summer help for mowing. Discussion was held on the challenge of seasonal help versus contracting. They have to make do with what they have. He presented a mowing analysis from past years (6 men mowing, 240 hours per week, most areas mowed every 7 – 10 days) comparing to this year (4 men mowing, 160 hours per week, most areas mowed every 14 days). He added they may mow some areas monthly and stop mowing certain areas all together. He stated they need to focus on the areas the people use the most and to keep those areas up. Places where people are less likely to be or areas hard to get to they will reduce services. Ms. Bartlett stated on a monthly basis they will mow: Lorella Pond, Valley Pike, Spinning Bridge Decks, and Center of Flight. Areas they will not mow include: railroad right of way, Upper MOTCO, Lower MOTCO, and Country Haven. This will also cause a reduction in chemical spraying. Discussion was had on what MOTCO was – the area near Glendean; and on the monthly mowing with regard to the Center of Flight. Ms. Lommatzsch stated the grass area on Harshman near Center of Flight and how people tend to throw trash there cannot be ignored. Discussion took place on how mowing depended on rain and how tall grass could get. Mrs. Franklin stated they need to use common sense if they need to shift where they mow. Deputy Mayor Denning stated he believes they have a good enough team to keep it mowed where they need. Discussion was held on not using zero turn mowers to do the work in certain areas. Mr. Rauch stated he wanted to let them know the change in service level this year, and that they will use common sense where they need to mow. He added they will also play it by ear if they need to do bring people in to do extra mowing. They do need to have visual appeal. Ms. Lommatzsch commented there are areas in some parks that do not need mowed as no one goes to that part of the park. Additionally, there are areas that the state and federal government are not mowing like they used to; everyone sees this. Deputy Mayor Denning stated he hoped mowing on MOTCO occurred at least once in the spring and once in the fall.

*\*Mayor Williams arrived at 6:36 pm.*

**IV. Storm Water** – Mr. Rauch stated as they were putting together the 2022 budget, the voters approved a change to the income tax to 2.5% income tax with the credit back and diverting funds where they need to in public safety. Public service is entirely reliant on the General Fund. This year \$1.4 million is going in to the public service fund to support those services. With regards to storm water, personnel, and operations, it is best practice to use a storm water utility. He stated ChoiceOne will give an intro to identify revenues to dedicate to public service funds to support a storm water utility.

Mr. Mitch Thobe stated they had done this for the city in 2015 so they updated it with new properties that have been refurbished in the last six years and did further investigation on surrounding communities. His co-worker, John Whitesell, did a lot of the work on this project.

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Mr. Whitesell stated Storm Water Utility Fees are used nationwide as a way to cover the costs of keeping waterways clean as required by state and federal regulations. While these regulations are mandated at a state and federal level, municipalities must adequately fund a storm water program. The fee uses a formula that reflects each property's contribution to the city's storm water runoff. He reviewed the four main components for a storm water budget for Riverside: 1) operations and maintenance, 2) storm water improvements included in the 20-year street plan, 3) major thoroughfare projects needing storm improvements, and 4) capital improvements. He stated that the fee is generally based on the amount of impervious area on a given lot (i.e. driveways, parking lots, sidewalks, etc...). The proposed fee structure is based off the average residential house impervious area, which was determined to be 2,932 sq. ft. and at the time there was 7,314 units at the time in Riverside. Mr. Rauch stated that 7,314 represents the numbers from 2015 that were then updated based on permit data since that time. Mr. Whitesell stated for the proposed fee structure all residential houses will count as 1 ERU (Equivalent Residential Unit). He went on to show the calculation for commercial, multi-family, and industrial properties. Based off the average commercial property, the impervious area was determined to be 4,300 sq. ft. In order to get an equivalent for commercial and industrial properties, divide 4,300 by 2,932 to get 1.47 ERU. Once there is equivalent residential and commercial/multi-family/industrial properties, after capturing their impervious areas, add up to two numbers: 7,314 units (single-family residential units) and 5,099 (equivalent single-family residential units for industrial/commercial) to get a total of 12,413 units.

Mr. Whitesell stated ChoiceOne conducted utility fee research and found the average fee around the Dayton-Metropolitan area is between \$2 - \$5 ERU. However, most of these fees were codified and never adjusted for inflation. Both Oakwood and Cincinnati had rates outside of the average and have updated with the past two years. Oakwood has a \$10 ERU; and Cincinnati has a \$12 ERU. He presented a table with a number of cities and their Storm Water Utility Fee rates. He went on to review the budget needed in each of the four components for annual operations. The total for Riverside is \$1,647,000. Dividing \$1,647,000 by 12,413 units equals \$132/unit/year. A monthly rate would then be approximately \$11/unit/month. It was recommended to have a 3% yearly increase to generate future budgets. Mr. Rauch commented on how this would greatly reduce the reliance of the public service on the general fund. This fee will bring in this amount of money to not only allocate for personnel, but curb and gutter, and other components in the master plan. Mr. Thobe stated significant storm events have increased over the last 5-10 years; and things that are lacking in infrastructure and on upkeep are noticed during these events. Having infrastructure in place helps to mitigate these situations. Ms. Fry asked for clarity on the capital improvement portion of the budget as there are areas that need attention now and she doesn't imagine everything will be done the first year. She understands not everything can be done as it is spread out, but she doesn't imagine it doesn't necessarily address everything in a short period of time. She wanted to know where they drew the line. Mr. Rauch stated anything contemplated already, specific projects, and that is in the storm water master plan and needs to be done has an estimated value attached to it. They looked at those values and all the projects to try to calculate the total cost of the infrastructure needs and demands. The number is something they are shooting for. They know all that they need to do, but the phasing of it is something else. The master plan has some guidance, and it is



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worth revisiting how to prioritize those when, where, and how to do those projects. It will be a long-term process. It is expensive to put in and expensive to maintain, but it is a recurring revenue for everywhere in the city. Ms. Fry stated the 2015 master plan listed specific projects and the \$653,000 are those projects listed in the plan over 20 years. Mr. Rauch stated that is the average each year over a 20-year period. Mr. Denning stated the \$60,000 on the major thoroughfare projects is what they were already paying for when the storm water needs get taken care of; they are paying for that with grants and the city portion. Discussion was had on the curb and gutter assessments and how that would apply to residents. Mr. Rauch stated the curb and gutter assessments were almost a separate issue and didn't want to confuse the situation. He stated they can take a road project where they know the cost of the storm water infrastructure, instead of a one-time funding source, they will have a recurring revenue source where it would be less debt the city needs to take on. Mayor Williams stated they can bond a lot of this. Deputy Mayor Denning stated they wouldn't have to wait until they had the money, they could bond against it and keep the projects rolling. He added the \$679,000 on operation and maintenance is what they are paying already so this will fund what they are already doing to alleviate some general fund money. Discussion continued on a storm water budget, how that is figured, and the general fund not having to transfer this money to public service.

Mrs. Franklin asked about the green space and who calculates that and who changes it. Mr. Whitesell stated as part of the permit process and if there is a reduction in impervious pavement then that would automatically get recalculated. Some municipalities have the county take care of it. Mr. Rauch stated the other best practice if they implement a utility fee they should revisit it every 3 – 5 years not necessarily on the ERU averages, but to look at cost and how much it costs the city to provide the services for operation and maintenance. Then, they make any needed adjustment needed to collect to keep it effective. They will have to keep on it. Mr. Joseph stated Mr. Rauch will know to revisit it but are their safeguards for the future to revisit should this city administration and council not be there. Mr. Rauch stated he stated one of the models they are looking at builds in an annual inflation factor. When they do a periodic a review it has them look at if the inflationary factor in line. Ms. Lommatzsch stated they have to do this and knows it won't be popular. She asked if someone has the 2015 study when they proposed fees and would like everyone to get a copy. Deputy Mayor Denning stated they did go through this in 2015. Discussion was had on what happened in 2015 and whether they were going to charge per house or make a blanket; this is where they got push back. They never reached an amount. Mr. Rauch stated some houses are smaller than others so there are variations, when talking about the square footage, the range between top and bottom of what residents will pay is fairly compressed, and the administrative burden to calculate every year would cost more to the city than to just set an average. Ms. Lommatzsch stated a lot of the residents don't know where the water goes, and ground water affects all neighborhoods. Mr. Rauch stated it is common in the storm water utility to have a mechanism where residents can appeal their assessment or to lower their fee if they have done something to reduce their impervious service such as rain barrels or replacing part of a patio with grass.

Ms. Fry asked what other models are available and if they know what the disparity is between the biggest impervious surface versus the smallest or is there a big difference at all. She

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could justify doing it if there is a model to say this neighborhood pays this rate and that neighborhood pays another rate because houses in neighborhoods are usually close in size. Mayor Williams stated they aren't talking house size; they are talking impervious surface. Mr. Rauch stated with a utility fee like this, you want to be as blanket and uniform as possible as the more variations and exceptions they carve out, the less it looks like a fee and more like an excise tax. They can look into that, but his experience is that the overall spread will not be significant. Mr. Thobe stated they need to keep it simple; they will always have people complain. Discussion was held on impervious surface on the city and how simplicity will make it better for the city as it will allow the city to make real plans and move forward.

Ms. Lommatzsch stated that this did not have to be put on a ballot as they have the authority to implement a utility fee. Mr. Rauch added that he spoke to the attorneys and they have the authority to establish a utility like this. If council agrees to do this, he wants to have the attorneys draft a model ordinance with appeals process and how that looks. He can bring it back to a work session, so they can preview and put it on a regular session. The only question he has is involving collections. These fees can be collected in a variety of ways. They do not have the support of the county to put it on the water bill, but he has called the auditor's office to possibly put it on the property tax bills. He could also look at a third-party solution. The cost of collecting the fee would come from the proceeds they would generate. Deputy Mayor Denning asked if they would have this effective for the beginning of 2023. Mr. Rauch stated if they have the auditor's office puts it on the property taxes, then they would be receiving funds at the same time they are getting paid on the first and second tax bills. They would start to see funds beginning in 2023. Discussion was held on the effective date. The process would go the same route as the lighting ordinance is done.

Mayor Williams asked about the second to last page of the presentation that had O&M fee generation. Mr. Rauch stated they had split the costs out to show the first slide with the fee generation of the total budget of \$1.6 million and residents would expect a \$132/year bill. The O&M slide was that cost alone, \$679,000, not an additional cost. That shows of the \$132 bill, \$54 of it is for operations and maintenance. Deputy Mayor Denning asked if the schools would have to pay this. Mr. Rauch stated every property in the city would pay.

**V. City Manager Updates** – Mr. Rauch stated the development near Northern Circle is scheduled for a first reading at the April 7, 2022 meeting. It is a rezoning ordinance from an R-1 to an R-3. A site plan has been submitted, but not finalized as it depends on if the property gets rezoned. He stated there is a creek that runs down the parcel. On the west side of the development, the Dayton side, the developer is confident he can execute as originally planned. On the east side, there is some wiggle room. It is a project that involves Dayton and Huber Heights and there is concern in the area on what this will look like. The developer will bring an update to the plan on the April 7 meeting. It is just about the rezoning. Discussion was held on sizes of R-1, R-2, and R-3 zones. Mr. Rauch stated that he and Ms. Holt are going to walk the site on April 4, 2022 and listen to residents and share any information they have gleaned.

Mr. Rauch stated with respect to the city manager and city clerk reviews, he wanted to get a sense on whether to proceed with that or not. He stated it is a best practice in local



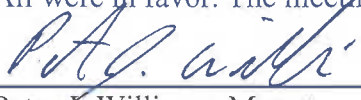
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government to have someone come in to do that. It saves council the time to find someone to run the process, and to leverage the experience an outside firm would bring. There are two quotes under the administrative limit. If he has consensus to do that he will start the process of bringing someone in to do that. It is in the budget. Deputy Mayor Denning stated he is okay with a facilitator, but he doesn't understand the what they are doing as far as the background at a six-month and a 12-month. He is okay with the facilitating, but not the value of the background. Mr. Rauch explained how the facilitator works to do discussion with council individually and performance of him. Part of that is to distill the feedback on where the growth edges are, and where they would like to see improvement. They will take that feedback, condense the information on him and the city clerk. Basically, to check in. The task becomes consolidating and synthesizing that and where to make adjustments. The other thing that is critical about that is to get a sense from council members on goals and objectives. This will give him what he needs to marshal their resources to go forward. Also, by using a third party with a firm that does this, it is a good resource for the city manager and for council. It also prevents or avoids a situation where one council member is trying to run a process for everybody and then getting caught between perceptions of how well that is going or how their relationship with the manager is like or things that can create discord in terms of the overall process. There is value in giving that responsibility to someone else just to make sure the feedback is open and honest from everyone. He baked money into the contract services line item assuming they would do something like this. As they go forward, these are things they hold him to what they outlined in the land use plan and the strategic plan and that they are regularly checking in on how well those things are going. Ms. Fry stated she is supportive of proceeding. Discussion was held on supporting this. Deputy Mayor Denning asked if they would do this every year or if they would after the first year be able to follow the format. Mr. Rauch stated he did not design it in a way to get a rubric, but they could look at that. His recommendation would be to try the process; he thinks they will find value in having someone else there. It is a very common practice. He will proceed with contracting the firm for city manager and clerk reviews.

**ADJOURNMENT:** Deputy Mayor Denning moved, seconded by Mr. Joseph, to adjourn. All were in favor. The meeting adjourned at 7:31 pm.

  
Peter J. Williams, Mayor

  
Clerk of Council

## Held on \_\_\_\_\_